

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/690,860

Applicant(s)

WILLIAMS ET AL.

Examiner

Leynna T. Truvan

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25 and 34-36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/KimYen Vu/
Supervisory Patent Examiner, Art Unit 2135

Continuation of 11, does NOT place the application in condition for allowance because: The final rejection stands as being unpatentable over Ryan and Fukushima combination.

During the brief telephone conversation with Mr. Carey (9/4/08), examiner noted that examiner will review the art references and the specification for the 112 rejection.

After reviewing the specification and the noted sections that Mr. Carey pointed out, examiner does not see the limitation "a portion of the one frame" or "a portion of the frame" originally disclosed whether in specification nor dependent claims. The specification recites a single frame but does not recite "a portion" of a single frame. Dependent claims a frame as well but does not claim "a portion" of a frame. A single frame is given as a whole entire one frame rather than a section or part (portion) of an entire one frame. Specification only refers to a portion of (plurality of) frames or a frame in a sequence or a next or subsequent frame in the sequence of. Thus, a portion of a frame is different than the originally claimed one single frame and in turn further points to the new subject matter that "a portion of one frame being modified from a preceding frame in a sequence" was not originally disclosed as well. Therefore, the 112, 1st paragraph rejection for claims 1-25 and 24-36 stands.

As for arguments on pg.7 regarding the claimed tag. The claimed "altering image content...in response to tags" is disclosed by Ryan that involves encoding/decoding or encrypting/decrypting the frame to where this is a form of altering image content. For instance, encrypted frame is considered an altered frame and to decrypt it is also a form of altering since it involves changing the encrypted frame to a form that is readable or in its original unencrypted form. Below will explain further the altering of image content and viewing the altered frame(s) that involves the use of tags.

Ryan discloses to prepare (encode) the video with the watermark, in addition to conventionally embedding the watermark, one also randomly (or pseudo-randomly) chooses one frame (or field), for instance one frame per every 10 seconds of video, and digitally calculates the attribute for that frame (or field) of the video signal. A "field marker" ("tag") is also added to that frame to indicate that it is a selected frame. This field marker is a special signal located in the normally invisible portion of the video frame, for instance in the overscan portion (col.3, lines 18-22).

Ryan includes frame selector 12 randomly or pseudo-randomly selects particular fields or frames, as described above, for encoding, and provides an indication of each selected field or frame on control line 14. In response, field marker circuit 16 marks each frame so indicated in the video. Control line 14 is also coupled to attribute measurement circuit 18 which also receives the incoming video and calculates (measures) the attribute of the selected fields or frames. The measured digital attribute value is coupled on line(s) 26 to watermark modifier circuit 32. Element 32 receives the conventional watermark from a conventional watermark generator 28 and modifies it with the 4-bit attribute value. The so-modified watermark is coupled to frame watermarker circuit 38 which writes the modified watermarks to each of the fields or frames carrying the field marker, supplied on line 22. The watermark video is then output on terminal 40 to the cable (or other) distribution network. (col.5, lines 42-57). Thus, reads on the altering image content within the rendering unit in response to tags in a data stream.

Ryan discloses for the marked frame, an attribute value is calculated and saved. The 4 attribute bits of the watermark are modified at a pseudo-random position in the following e.g. 2 seconds window to equal the attribute value of the previous marked frame (col.8, lines 30-41). This reads on the claimed altering image content further including detecting one of the tags in the data stream associated with a frame in a sequence of frames, a portion of the frame being modified from a preceding frame in the sequence to generate an altered frame.

Ryan discloses on column 9, lines 45-60, relates to tags having particular characteristics that are stored in a table where the tags are not stripped off (or deleted) and able to add the tags to particular frames (col.10, lines 60-65 and col.12, lines 62-65). The tags are used to detect, change, and add attributes such as copy-once or copy never (col.6, lines 21-51). The claimed tag is to cause the altered frame to be displayed. Therefore, Ryan discloses the tags are not deleted but if the tags are deleted, it happens after utilization of the tags to cause the action of outputting the frame or to be viewable (col.11, lines 1-10 and 34-60). Once it is in viewable form, the tags were deleted to prevent from recopying or further limits recording (col.10, lines 1-26). By Ryan disclosing the The tags (field markers) are detected and utilized to access a table for outputting the tagged video at output terminal (col.10, lines 15-40 and col.12, lines 10-13). Thus, suggests utilizing the tag to access a table to cause the altered frame to be displayed.

As for arguments on pg.7, that Ryan does not include action table. Gonzales is combined to teach this limitation. Gonzales discloses [paragraph 0388] compressed colour pre-quantisation data is sent with the encoded continuous tone image to enable the video encoder/player 38 to perform real-time colour quantisation 02d by applying the pre-calculated colour quantisation data, thus producing optionally 8-bit indexed colour video representation 02e in real-time. This technique can also be used when reconstruction filtering is used that generates a 24-bit result that is to be displayed on 8-bit devices. This problem can be resolved by sending a small amount of information to the video decoder 38 that describes the mapping from the 24 bit colour result to the 8 bit colour table and all frames in the video are processed sequentially as indicated by the conditional block at step s1202 [0388]. Gonzales discloses the bitmap compositor 35 supports display scene rasters with different colour resolutions, and manages bitmaps with different bit depths. If the display scene raster 71 has a depth of 8 bits and a colour look up table, the approach taken depends on the number of objects displayed. If only one video object is being displayed, then its colour map is copied directly into the colour map of the display scene raster 71. If multiple video objects exist, then the display scene raster 71 will be set up with a generic colour map, and the pixel value set in the display scene raster 71 will be the closest match to the colour indicated by the index value in the bitmap [0324]. Gonzales discusses the server 24 composes scenes in real-time by multiplexing multiple object data streams based on client requests to construct a single multiplexed packet stream 64 (for any given scene) that is streamed to the client for playback where this architecture allows the media content being played back to change, based on user interaction and it is the server's responsibility to modify the stream appropriately before streaming it to the client [0351]. Gonzales includes tags may also be used to define linking, addressing and also metadata by permitting five basic types of

markup tags to provide descriptive and referential information, etc. These are system tags, structural definition tags, presentation formatting, and links and content [0397] wherein object behaviours and action tags encapsulate the object controls [0404-0407]. Further, Gonzales discloses [0355] the operation of the local client performing Dynamic Media Composition (DMC) is described by the flow chart shown in FIG. 16 where the DMC process will browse the user command list and object control data for any initiated DMC actions and the DMC process checks the location of the target multimedia objects. If the target objects are stored locally, the local server DMC process sends instructions to the local data source manager to read the modified object stream from the local source and the process checks for further initiated DMC actions. Alternatively, the DMC action may require target objects to be sourced both locally and remotely, thus appropriate DMC actions are executed by the local DMC process and DMC instructions are sent to the remote server for processing. It is clear from this discussion that the local server supports hybrid, multi-object video playback, where source data is derived both locally and remotely [0355]. Gonzales discloses the colour map is a table of all of the colours used in the frame where these colours are referenced by their index into the colour map. The bitmap is used to define a number of things including: the colour of pixels in the frame to be rendered on the display, the areas of the frame that are to be made transparent, and the areas of the frame that are to be unchanged where each pixel in each encoded frame may be allocated to one of these functions [0357].

Therefore, it would have been obvious for a person of ordinary skills in the art to combine Ryan and Fukushima with the teachings of Gonzales to teach an action table for the sequence of frames to be displayed as unaltered only if called for by the action table because a table provide appropriate actions/functions to be executed by tags that provide descriptive and referential information to actions where and bitmap is used to for the colour of pixels in the frame to be rendered on the display and the areas of the frame that are to be unchanged where each pixel in each encoded frame may be allocated to one of these functions [0357].

As for arguments on pg.7, where Fukushima is not related to protecting digital content. Fukushima is combine with Ryan to teach the alterations of the digital content are not visually perceptible for real-time display. The primary reference, Ryan, main objective is the protection of digital content. Fukushima is brought for to disclose or suggest the concept of real-time functionality for displaying digital content (i.e. images). Thus, it would have been obvious for a person of ordinary skills in the art to combine the teachings of Ryan with Fukushima to teach the alterations of the digital content are not visually perceptible for real-time display because due to heavy calculation load resulting in unnatural images which intermittently displayed frame by frame and requires a special purpose processor and circuit (col.1, lines 42-47).